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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

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W. CLARK APOSHIAN,

Plaintiff,

v.

MERRICK GARLAND, Acting Attorney  
General of the United States, et al.

Defendants.

Case No. 2:19-cv-00037-JNP

**INDEX TO THE ADMINISTRATIVE  
RECORD**

District Judge Jill N. Parrish

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The Administrative Record for *Bump-Stock-Type Devices*, 83 Fed. Reg. 66,514 (Dec. 26, 2018), the agency action challenged in this litigation, has been previously produced in *Cargill v. Barr*, Case No. 19-cv-349 (W.D. Tex.). A copy of the certification and index produced in that action, reflecting the caption for that case, is attached. This submission will serve as the index to the identical administrative record in this action, which being submitted with this filing.

Dated: November 30, 2022

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

BRIGHAM J. BOWEN  
Assistant Branch Director  
Federal Programs Branch

/s/ Alexander V. Sverdlov  
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*Counsel for Defendants*

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS**

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MICHAEL CARGILL

Plaintiff,

v.

WILLIAM P. BARR,

*Et al.,*

Defendants.

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Case No. 1:19-cv-00349-LY

Hon. Lee Yeakel

**CERTIFICATION OF ADMINISTRATIVE RECORD**

I, Andrew Lange, pursuant to 28 U.S.C. § 1746, declares and says as follows: I am currently the Division Chief, Office of Regulatory Affairs, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). The Office of Regulatory Affairs serves as ATF's official point of contact for all matters relating to the creation and/or changes to ATF's regulations and rulings, and serves as the official liaison to the Department of Justice on all rulemaking projects. The information in this certification are based upon my personal knowledge or on information provided to me in the course of my official duties.

The materials listed in the index below, and annexed hereto as Attachments 1 through 223 constitute, to the best of my knowledge, a true and complete copy of the administrative record in the above referenced civil action.

## INDEX TO THE ADMINISTRATIVE RECORD

1. Pruett 7/23/96 classification letter and undated request for determination.
2. Schwartz 3/28/03 classification letter.
3. Akins 7/28/03 classification letter.
4. Akins 10/20/03 classification letter.
5. Bowers 11/17/03 classification letter.
6. Letter from the Bowers Group dated 8/8/03 to ATF.
7. Bowers 1/29/04 classification letter and 1/21/04 request for clarification.
8. Blakely 9/16/04 classification letter and 12/21/03 request for determination.
9. Blakely 9/26/04 classification letter and 2/6/04 request for determination.
10. Rogers 8/23/05 classification letter and 7/11/05 request for determination.
11. Locklund 10/6/05 classification letter.
12. Robinson 6/7/06 classification letter and 5/19/06 request for determination.
13. Robinson 6/28/06 classification letter (re: B.A.S.T.A.R.D.) and 6/12/06 request for determination.
14. Lee 10/13/06 classification letter and 9/22/06 request for determination.
15. Akins Group 11/22/06 re-classification letter and ATF Ruling 2006-2.
16. Rogers 1/16/07 classification letter.
17. Robinson 1/24/07 classification letter (re: B.A.S.T.A.R.D.) and 10/11/06 and 11/29/06 requests for determination.
18. Larson 1/31/07 classification letter.
19. Johnson 3/6/07 classification letter and 2/20/07 request for determination.
20. Rhodes 4/5/07 classification letter.

21. Rhodes 4/5/07 classification letter (not duplicate of above).
22. Blakely 6/25/07 classification letter.
23. Johnson 9/14/07 classification letter.
24. Akins 10/1/07 classification letter and 7/5/07 request for determination of redesign.
25. Foeller 6/18/08 classification letter.
26. Johnson 6/26/08 classification letter.
27. Woodall 10/13/09 classification letter and March 2009 request for determination.
28. Rogers 10/19/09 classification letter (re: AW SIM).
29. Compton 6/7/10 classification letter and request for determination.
30. Reich 3/9/11 classification letter and 2/11/11 (received) request for determination.
31. Savage 5/26/11 classification letter (re: ALM Stock)
32. 11/21/11 Letter to Congressman Aderholt and 10/24/11 request for response.
33. Savage 11/23/11 classification letter (re: ASFS Stock)
34. Jansen 1/12/12 classification letter and 11/9/11 request for determination.
35. Smith 4/2/12 classification letter.
36. Stern 4/20/12 classification letter.
37. McElwaney 7/9/12 classification letter (re: Rapid Fire Stock) and 10/28/11 (received) request for determination.
38. 7/13/12 Letter to Congressman Thornberry and 5/14/12 request for response.
39. Vesligaj 7/13/12 classification letter and 10/24/11 request for determination.
40. Middleton 9/4/12 classification letter and 4/14/12 request for determination.
41. Foster 2/11/13 classification letter (re: Bumpski).
42. 4/16/13 Letter to Congressman Perlmutter and 3/5/13 request for response.

43. Erskine 5/1/13 classification letter (re: the HailStorm).
44. Erskine 1/14/14 classification letter (re: the HailStorm).
45. Lindsay 4/10/14 classification letter.
46. Baugh 6/24/14 classification letter and 12/30/13(?) (received) request for determination.
47. Marcotte 7/31/14 classification letter (re: BAMS Simulator).
48. Smith 8/4/14 classification letter and 10/22/13 request for determination.
49. Monroe 12/15/14 classification letter.
50. Veralrud 3/17/15 classification letter.
51. Geers 4/20/15 classification letter.
52. Bair 4/28/15 classification letter.
53. Dewitt 6/29/15 classification letter (re: "Chuckbuster").
54. McRoberts 7/24/15 classification letter.
55. Ruble 9/14/15 classification letter.
56. Slide Fire Solutions 1/4/16 classification letter.
57. Bair 9/23/16 classification letter.
58. Troncoso 11/18/16 classification letter.
59. Wolff 4/6/17 classification letter.
60. Marcotte 1/12/18 re-classification letter (re: BAMS Simulator).
61. Shuhart 1/19/18 classification letter.
62. Ruble 4/13/15 classification letter.
63. Saint Kings Technologies 10/7/16 classification letter (re: LV-15 Trigger Reset Device).
64. Email dated 10/2/17 "Fw: Bump Fire Videos and Reviews/Slide Fire Freedom Unleashed"

65. Email dated 10/2/17 "Slide Fire Sollutions [*sic*]" with photos and copy of Compton 6/7/10 classification letter.
66. Email dated 10/2/17 "Re: Bump Fire Videos and Reviews/Slide Fire Freedom Unleashed" with M-16 type Machinegun document, photos, copy of Compton 6/7/10 classification letter, AR15-Type Conversions power point.
67. Email dated 10/2/17 "Re: Bump Fire Videos and Reviews/Slide Fire Freedom Unleashed"
68. Email dated 10/2/17 "Fw: Bump Fire Videos and Reviews/Slide Fire Freedom Unleashed"
69. Email dated 10/2/17 "Fw: Bump Fire Videos and Reviews/Slide Fire Freedom Unleashed"
70. Email dated 10/2/17 "Fw: updated SITREP"
71. Email dated 10/3/17 "Bump Fire Device"
72. "Bump Fire Device points from emails and letters"
73. Email dated 10/3/17 "Fw: Initial Assessment" and photos
74. Email dated 10/3/17 "Fw: US20160187099A1"
75. Slide Fire Solutions patent
76. Email dated 10/3/17 "Vegas Weapons and Ammo Recovered"
77. "Las Vegas Recovered Weapons and Ammunition" summary
78. Email dated 10/3/17 "Bump stock history"
79. Email dated 10/3/17 "Fw: Bump stock history"
80. Copy of Foeller 6/18/08 classification letter.
81. Copy of Compton 6/7/10 classification letter and request for determination.

82. Copy of Smith 4/2/12 classification letter.
83. Copy of McElwaney 7/9/12 classification letter and 10/28/11 (received) request for determination.
84. Copy of Vesligaj 7/13/12 classification letter and October 2011 request for determination.
85. Copy of Foster 2/11/13 classification letter.
86. Copy of Erskine 5/1/13 classification letter.
87. Copy of Lindsay 4/10/14 classification letter.
88. Copy of Ruble 9/14/15 classification letter.
89. Copy of Wolff 4/6/17 classification letter.
90. Copy of Savage 11/23/11 classification letter.
91. Statement from SAC Jill Snyder.
92. Email dated 10/4/17 "Fw: Emailing: Akins Powerpoint reconsideration"
93. "Akins Accelerator: Is it a Machinegun?"
94. Email dated 10/5/17 "Legal Analysis Bump-Fire"
95. Memorandum to the Office of the Attorney General, from Chief Counsel, ATF regarding "Legality of 'Bump-Fire' Rifle Stocks."
96. 10/5/17 Letter to ATF from Congressman Mark Meadows.
97. 12/11/17 Letter to Congressman Meadows from ATF.
98. 10/6/17 Letter to Acting Director Brandon from 9 United States Senators.
99. 12/11/17 Letter to Senators from ATF.
100. 10/11/17 Letter to Acting Director Brandon from 79 United States Representatives.
101. 12/11/17 Letter to Representatives from ATF.



102. Undated Talking Points for Las Vegas Shooting.

103. Emails dated 10/6/17 "Timeline Binder OCT 2017" and chart of previous classifications and copies of:

- Akins 7/28/30 classification letter
- Akins 10/20/13 classification letter
- Bowers 11/17/03 classification letter
- Bowers 1/29/04 classification letter
- Lee 10/13/06 classification letter
- Akins Group 11/22/06 re-classification letter
- ATF Ruling 2006-2
- Halbrook letter re: ATF Ruling 2006-2
- Foeller 6/18/08 classification letter
- Johnson 6/26/08 classification letter
- Compton 6/7/10 classification letter and request for determination
- "Stefan" 3/9/11 classification letter (first page only)
- Savage 11/23/11 classification letter
- Smith 4/2/12 classification letter
- McElwaney 7/9/12 classification letter and 10/28/11 request for determination
- Vesligaj 7/13/12 classification letter and October 2011 request for determination
- Foster 2/11/13 classification letter
- Erskine 5/1/13 classification letter
- Lindsay 4/10/14 classification letter
- Ruble 9/14/15 classification letter

- Bair 9/23/15 classification letter
  - Wolff 4/6/17 classification letter
  - Thornberry 7/13/12 response
  - Shoestring classification
  - AutoGlove classification
104. Email dated 10/6/17 "Bump Stocks and NFORCE"
  105. Print out from ATF's case management system (NFORCE).
  106. Email dated 10/6/17 "Re: Bump Stocks" and
  107. Acting Director Calendar entry for 10/6/17.
  108. Email dated 10/6/17 "Fwd: Analysis"
  109. Copy of Memo to OAG from ATF Chief Counsel regarding "Legality of 'Bump-Fire' Rifle Stocks"
  110. Email dated 10/6/17 "Fwd: Analysis"
  111. Email dated 10/6/17 "Re: Analysis"
  112. Email dated 10/6/17 "Re: Analysis"
  113. Email dated 10/7/17 "Re: ICYMI: The ATF Green Lit Bump Stocks Under Obama"
  114. Email dated 10/7/17 "Re: Bump Firing Pistol – YouTube"
  115. Email dated 10/11/17 "Vasquez' Slide Fire Analysis Position Paper"
  116. "Slide Fire Analysis"
  117. 10/12/17 Letter to Representative Carlos Curbelo from the ATF Association
  118. Email dated 10/12/17 "Re: Las Vegas"
  119. Email dated 10/13/17 "Fwd: Las Vegas"
  120. Email dated 10/13/17 "Re: Las Vegas"

121. Email dated 10/22/17 "Re: NY Times: 10 Minutes, 12 Gunfire Bursts, 30 Videos. Mapping the Las Vegas Massacre."
122. Email dated 10/28/17 "Re: What is a Bump Stock and How Does it Work: - The New York Times"
123. 10/30/17 Letter from States Attorneys General to Senators McConnell and Schumer and Speaker Ryan and Minority Leader Pelosi
124. Email dated 10/30/17 "Fwd: ATF"
125. FBI Laboratory Report dated 10/8/17, case number LV-2214483
126. Email dated 10/31/17 "FBI/ATF Meeting"
127. Email dated 11/1/17 "Bump Stock Regulation Hearing—Invitation to Testify (Brandon)"
128. 10/31/17 Letter from Senator Grassley to Acting Director Brandon
129. Email dated 11/3/17 "Re: FBI Lab Report"
130. Copy of FBI Laboratory Report dated 10/8/17, case number LV-2214483
131. Email dated 11/2/17 "Bump Stock"
132. Bump-Fire Summary
133. Email dated 11/7/17 "Bump Stock"
134. Email dated 11/8/17 "High Profile Shootings"
135. "High Profile Shootings" Chart
136. Email dated 11/10/17 "Re: moving ahead on bump stocks"
137. Email dated 11/9/17 "Re: moving ahead on bump stocks"
138. Email dated 11/16/17 "Fwd: Summary of Senator Cortez Masto briefing"
139. "ATF Briefing: US Senator Catherine Cortez Masto"

140. 11/28/17 Letter from the Las Vegas Metropolitan Police Department to Senators Grassley and Feinstein
141. 12/5/17 Letter from Assistant Attorney General Boyd to Senator Grassley
142. 12/5/17 Letter from Assistant Attorney General Boyd to Congressman Goodlatte
143. 12/5/17 Letter from Assistant Attorney General Boyd to Senator Shelby
144. 12/5/17 Letter from Assistant Attorney General Boyd to Congressman Culberson
145. Statement of Acting Director Thomas E. Brandon before the Committee on the Judiciary, United States Senate, dated 12/6/17
146. "Topline Points" Dec. 2017
147. Advance notice of proposed rulemaking (ANPRM): "Application of the Definition of Machinegun to 'Bump Fire' Stocks and Other Similar Devices," 82 Fed. Reg. 60929 (Dec. 26, 2017)
148. Final Draft of ANPRM: "Application of the Definition of Machinegun to 'Bump Fire' Stocks and Other Similar Devices
149. Presidential Documents, Memorandum of February 20, 2018: "Application of the Definition of Machinegun to 'Bump Fire' Stocks and Other Similar Devices," 83 Fed. Reg. 7949 (Feb. 23, 2018)
150. USA Today, "Here are all the victims of the Las Vegas shooting" 10/8/17
151. Printout of [www.slidefire.com](http://www.slidefire.com) "AR15 Bump Fire Stocks & Parts"
152. Printout of [www.slidefire.com](http://www.slidefire.com) "Superior Performance Stocks"
153. Printout of [www.slidefire.com](http://www.slidefire.com) "AR15 Bump Fire Stocks"
154. Printout of <http://bumpfiresystems.com> "What is Bump Fire?"
155. Printout of <http://bumpfiresystems.com> Bumpfire Systems, "What is Bump Fire?"

156. Printout of [www.everydaynodaysoff.com](http://www.everydaynodaysoff.com) "Shoestring Machine Gun"
157. Printout of [www.bls.gov](http://www.bls.gov) "Characteristics of minimum wage workers, 2016"
158. Printout of [www.bls.gov](http://www.bls.gov) "Occupational Employment and Wages, May 2016,"  
Packers and Packagers, Hand
159. Printout of [www.bls.gov](http://www.bls.gov) "Occupational Employment and Wages, May 2016," Retail  
Salespersons
160. Printout of [www.bls.gov](http://www.bls.gov) "Occupational Employment and Wages, May 2016,"  
Building Cleaning Workers, All Other
161. Memorandum to Secretarial Officers, Modal Administrators From Acting Assistant  
Secretary for Transportation Policy, re "Revised Departmental Guidance on  
Valuation of Travel Time in Economic Analysis" dated 9/27/16 and attachment "The  
Value of Travel Time Savings: Departmental Guidance for Conducting Economic  
Evaluations Revision 2 (2016 Update)"
162. Printout of [www.gsa.gov](http://www.gsa.gov) POV Mileage Rates (Archived)
163. Printout of <https://taxfoundation.org> "State and Local Sales Tax Rates in 2017"
164. U.S. Department of Transportation, Federal Highway Administration, "Summary of  
Travel Trends, 2009 National Household Travel Survey"
165. Salary Table 2018-GS, Effective January 2018
166. 2/22/18 Letter from International Association of Chiefs of Police President Dekmar to  
President Trump
167. Email dated 2/23/18 "Fwd: Sample Comment Letters" including:
  - 1/24/18 Letter from Braum and Associates
  - 1/9/18 Letter from Gun Owners of America

- 1/25/18 Fax from Firearms Policy Coalition

168. Email dated 2/25/18 "FYSA"
169. Email dated 2/26/18 "Earl"
170. Email dated 2/27/18 "Conversation with IOI Marco Muniz"
171. Email dated 2/28/18 "Bump Stock Information From Industry"
172. Email dated 2/28/18 "Bump Stocks"
173. "Major Retailers of Bump Stocks"
174. Email dated 3/1/18 "Re: Slide fire stocks"
175. Email dated 3/1/18 "Slide fire stocks"
176. "Identification of 'bump-fire' devices used in Mandalay Bay shooting"
177. Email dated 3/6/18 "Fwd: Bump Stocks Map" and attached map
178. Email dated 3/6/18 "Fwd: Copy of OSSI FLS Internet Query 02282016 Selected FFLs"
179. Email dated 3/13/18 "Re: advertising for bump stocks"
180. Email dated 3/13/18 "Re: advertising for bump stocks"
181. Printout of <https://mic.com> Alison Durkee, "Bump stocks were supposedly made for disabled people. That's not how they're actually being used." 10/4/17
182. Email dated 3/13/18 "BUMP FIRE Stocks and Devices Destruction Diagram 030218"
183. "Bump Stock Destruction Instructions"
184. Email dated 3/16/18 "Re: bump stocks: website/online presence"
185. Senate Judiciary Committee, "Hearing on the Parkland Shooting and School Safety, Panels 2 and 3" transcript



186. Excerpts from “Questions for the Record from the Hearing Before the Committee on the Judiciary, United States Senate, March 14, 2018” and ATF responses
187. Data for developing NPRM economic analysis, including list of FFLs with online presence
188. Email dated 3/16/18 “Re: Bump Stock ANPRM comments”
189. Email dated 3/16/18 “Re: Final ANPRM Comment Total”
190. Chart: Those opposing and supporting and reasons why
191. Chart: Commenter names, issues and categories
192. Links to comments: [www.regulations.gov/docket?D=ATF-2018-002](http://www.regulations.gov/docket?D=ATF-2018-002) and [www.regulations.gov/docket?D=ATF-2018-0001](http://www.regulations.gov/docket?D=ATF-2018-0001)
193. Memorandum for the Attorney General, Through the Deputy Attorney General, From ATF Deputy Director, re: “Notice of Proposed Rulemaking concerning Bump Stock Type Devices,” dated 3/16/18.
194. Final draft of Notice of proposed rulemaking: “Bump-Stock-Type Devices”
195. Notice of proposed rulemaking: “Bump-Stock-Type Devices,” 83 Fed. Reg. 13442 (Mar. 29, 2018)
196. Email dated 4/17/18 “ANPRM Narratives of Comments” and attached narrative summaries
197. Email dated 4/20/18 “Re: pistol Grip Bump stocks manufacturing”
198. Email dated 4/20/18 “Re: pistol Grip Bump stocks manufacturing”
199. Email dated 4/20/18 “Re: pistol Grip Bump stocks manufacturing”
200. 12/2/96 Letter from Michael Shyne to ATF National Firearms Act Branch
201. 3/10/97 Letter from ATF to Michael Shyne

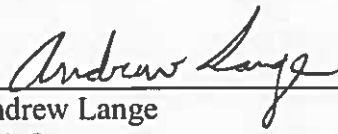
202. Chapter 3 of National Firearms Act Handbook, Revised April 2009
203. Email dated 5/21/18 “Fwd: Bump Stock Legal Issues”
204. Firearms Commerce in the United States 2018
205. Listing of commenter names, dates, document IDs and links to comments for ATF-2018-0001
206. “NPRM Total Numbers”
207. Economic analysis: costs
208. Chart: Those opposing and supporting and reasons why
209. Data for economic analysis for Final Rule, including list of FFLs with online presence
210. Email dated 10/16/18 “Re: bump stocks: large retailers selling bump stocks”
211. Listing of commenter names, dates, document IDs and links to comments for ATF-2018-0002
212. Final Draft of Final Notice, “Bump-Stock-Type Devices”
213. The National Firearms Act: Hearing before the Committee on Ways and Means, House of Representatives, 73rd Congress, Second Session (1934)
214. Cases relied on in the Final Rule
215. Akins v. United States, No. 8:08-cv-988 (M.D. Fla. 9/23/08)
216. ATF Ruling 2006-2
217. 33 Fed. Reg. 18555 (12/14/68)
218. 63 Fed. Reg. 35520 (6/30/98)
219. 81 Fed. Reg. 2658 (1/15/16)



- 220. Brief in Support of Cross Motion for Summary Judgment and in Opposition to Plaintiff's Motion for Summary Judgment in Freedom Ordnance Mfg. v. Brandon, No. 3:16-cv-243 (S.D. Ind.)
- 221. ATF Ruling 94-1
- 222. ATF Ruling 94-2
- 223. Final Rule: "Bump-Stock-Type Devices," 83 Fed. Reg. 66514 (Dec. 26, 2018)

I certify under penalty of perjury that the foregoing is true and correct.

Executed on this 12<sup>TH</sup> day of September, 2019.

  
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Andrew Lange  
Chief  
Office of Regulatory Affairs  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives